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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF WASHINGTON**

7 **UNITED STATES OF AMERICA,**

8 Plaintiff,

9 v.

10 **BRIAN JOAQUIN PEREZ,**

11 Defendant.

12 NO. CR-07-2067-RHW

13 **ORDER GRANTING MOTION**
14 **FOR RECONSIDERATION OF**
15 **JUDGMENT AND SENTENCE**

16 Before the Court is Defendant's Motion for Reconsideration of Judgment
17 and Sentence Pursuant to F.R.Cr.P. 35 (Ct. Rec. 46). The motion was heard
18 without oral argument and on an expedited basis.

19 On March 4, 2008, the Court sentenced Defendant to 40 months and ordered
20 that the sentence be run consecutive to the undischarged State term of
21 imprisonment. The Court entered the Judgment on March 12, 2008. On March 17,
22 2008, Defendant filed a motion to reconsider the judgment and sentence.
23 Specifically, Defendant asked that the Court order that the judgment and sentence
24 run concurrent with the undischarged state term of imprisonment. At the time of
25 sentencing, the parties anticipated that Defendant would complete his State
26 sentence on April 12, 2008. This information may be in error. Consequently, in
27 order to effectuate the Court's desired sentence, it is necessary to amend the
28 judgment to reflect that the judgment and sentence run concurrent, as opposed to
 consecutive, to the undischarged state term of imprisonment. The Government
 agrees that the federal sentence should run concurrent with the State sentence.

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ORDER GRANTING MOTION FOR RECONSIDERATION OF
JUDGMENT AND SENTENCE ~ 1

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant's Motion for Reconsideration of Judgment and Sentence (Ct.
3 Rec. 46) is **GRANTED**.

4 2. The District Court Executive is ordered to amend the judgment to reflect
5 that the Federal sentence run concurrent with the State sentence.

6 3. Defendant's Motion to Expedite Hearing (Ct. Rec. 48) is **GRANTED**.

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
8 Order and forward copies to counsel, United States Probation Office, and United
9 States Marshal Office.

10 **DATED** this 26th day of March, 2008.

11
12 s/Robert H. Whaley

13 ROBERT H. WHALEY
14 Chief United States District Court Judge

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